

MCKOOL SMITH

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November 14, 2018

Hon. Paul G. Gardephe
United States District Judge
Thurgood Marshall
United States Courthouse, Courtroom 705
40 Foley Square
New York, NY 10007

RE: *Bytemark, Inc. v. Xerox Corp., et al.*, in the United States District Court for the Southern District of New York; Civil Action No. 1:17-cv-01803-PGG

Dear Judge Gardephe:

Defendants Xerox Corp., ACS Transport Solutions, Inc., Xerox Transport Solutions, Inc., Conduent Inc., and New Jersey Transit Corp. (collectively “Defendants”) recently requested that McKool Smith act as lead counsel going forward in this case. As part of that transition, I reached out to opposing counsel regarding the draft scheduling order filed with the Court on October 5, 2018 at Dkt. 75. The parties request that the schedule be amended given the change in counsel and the imminent decision on *inter partes* review of one of the patents-in-suit. We are working together diligently to propose a revised schedule to the Court by December 10th, and therefore request that the current proposal at Dkt. 75 be withdrawn.

Best regards,

/s/ David Sochia

David Sochia

cc: All Counsel of Record (via ECF)

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: Dec. 17, 2018